

## **Joint Communiqué on the Urgent Need to Accelerate the full Implementation of the Public Benefit Organizations (PBO) Act in Kenya**

### **PREAMBLE**

We, the undersigned Civil Society Organizations, convened in Nairobi from 7th to 8th May 2025, for a PBO Act Implementation Stakeholders meeting with the aim of reigniting dialogue on understanding the PBO Act and its implications; to identify key stakeholders involved in its implementation; define leadership roles to drive coordinated action and develop a practical roadmap for the implementation of the Act.

We express our profound concern over the prolonged delay in the implementation of the Public Benefit Organizations (PBO) Act, 2013. This delay undermines the enabling environment for civil society in Kenya, hinders the full realization of the constitutional rights to freedom of association and participation, and obstructs the capacity of Public Benefit Organizations to contribute meaningfully to sustainable development and effective governance.

We acknowledge the organizations enlisted in the annex, despite not having attended the in-person meeting, who have reviewed and endorsed this communiqué.

**Recognizing** that the PBO Act, enacted in 2013, was intended to enhance transparency, accountability, and collaboration between the state and civil society;

**Appreciating** that His Excellency the President of the Republic of Kenya, Hon. Dr. William Samoei Ruto, demonstrated high level political good will by Operationalizing the PBO Act during the 2024 UN Civil Society Conference held in Nairobi in support of the Summit of the Future, which came into force on 14th May 2024 following the publication of Legal Notice No. 78 of 2024 by the Cabinet Secretary for Interior and National Administration;

**Acknowledging** that the PBO Act recognizes the critical role that PBOs play in advancing human rights, transformative development and strengthening democracy, transparency and accountability, and the need to strengthen self-regulation while promoting public participation;

**Concerned** that on the 14th of May 2025, the country will commemorate its one-year anniversary since the PBO Act came into force, the Act is yet to be implemented; noting that there is urgent need to fast track the harmonization of the draft regulations and the establishment of the self-regulating platforms for CSOs;

**Apprehensive** that the ongoing delay in implementing the PBO Act, subjects CSOs to both the repealed NGO Act and the unimplemented PBO Act, creating legal confusion and uncertainty,

we note that the dual framework has led to inconsistent regulation, fears of losing legal status, funding challenges, and growing vulnerability to state interference, thereby compromising social, economic and democratic development;

**Commending** the Director General of the Public Benefit Organizations Regulatory Authority for his commitment, expressed on 7th May 2025 to collaborate with civil society organizations nationwide in harmonizing regulations, ensuring inclusivity and public participation;

**Affirming** the establishment of an inclusive civil society structured engagement/dialogue process led by a working group to guide and support the implementation process over the next 12 months;

### **We therefore:**

1. Urgently call for unity of purpose across the membership of the civil society sector in Kenya to drive the full implementation of the PBO Act.
2. Appeal to the members of the civil society sector in Kenya to actively and publicly participate in the review of the harmonized regulations.
3. Call for the full, effective and transformative involvement of the civil society sector in Kenya to ensure the full implementation of the PBO Act is acceptable to all parties.
4. Urge the Parliament of Kenya to give the matter the attention it warrants, recognizing that implementation of the Act is long overdue.
5. Encourage regional and international actors, including development partners and human rights bodies, to leverage the bilateral and multilateral forums to influence and support efforts toward implementation of the PBO Act to protect the civic space in Kenya.
6. Reaffirm that a vibrant and well-regulated civil society sector is indispensable for the achievement of the Sustainable Development Goals (SDGs), and realization of Vision 2030.
7. Stress that the implementation of the Act is behind schedule, aggravating the shrinking civic space in Kenya by enabling arbitrary regulation and the delegitimization of civil society, contrary to Kenya's national and international human rights obligations.

### **Recommended Key Priority Areas for Action**

We express our strong support for the commitment demonstrated by the Office of the Director General of the Public Benefit Organizations Regulatory Authority. As civil society actors, we are ready, willing, and available to partner with the Authority to advance a transparent and inclusive implementation process underscoring the need for consistent and meaningful involvement of civil society in all phases of the process. We therefore pledge to:

**1. Partner in mobilizing for Public Participation on the Harmonized Regulations**

As civil society actors we are ready to partner in the national public participation process on the harmonized regulatory framework, including:

- Mobilization of stakeholders
- Facilitation of inclusive dialogues across regions
- Documentation and reporting of feedback and outcomes

**2. Partner in the Implementation of the Strategic Roadmap**

We commit to collaborate in the development and delivery of a joint implementation strategy during the next 12-month implementation window period.

**3. Partner in the Operationalization of Self-Regulation Mechanism**

We commit to support the development of a robust and transparent self-regulation framework for Public Benefit Organizations, in line with the PBO Act.

**4. Support the transition of Civil Society Organisations to Public Benefit Organisations**

We commit to mobilise Civil Society Organisations across Kenya to comply with the new requirements (i.e. re-registration) during the designated transition period.

**5. Establish an “Open Source SharePoint”**

We commit to establish an online platform, a repository for all the PBO relevant documentation and information. This will be accessible to all stakeholders and interested parties, especially the civil society.

## Delivered in Nairobi, Kenya on 15th May 2025

By the undersigned participating and endorsing organizations:

| <b>SN0</b> | <b>Organization</b>  | <b>Level of coverage:<br/>National/<br/>Regional/ County /<br/>CBO</b> |
|------------|--|--|
| 1          | SDGs Kenya Forum   | National   |
| 2          | The African Women's Development and Communication Network (FEMNET) | Regional   |
| 3          | Kenya Platform for Climate Governance (KPCG)                       | National   |
| 4          | Uraia Trust  | National   |
| 5          | Pan African Climate Justice Alliance (PACJA)                       | Regional   |
| 6          | Kenya Community Development Foundation (KCDF)                      | National   |
| 7          | Civil Society Engagement Framework (CEF)-FLLOCA                    | National   |
| 8          | Global Peace Foundation Kenya                                      | National   |
| 9          | Transparency International (TI)                                    | National   |
| 10         | Devolution Working group- Act Change Transform (ACT!)              | National   |
| 11         | Institutional Investors Group on Climate Change (IIGCC)            | National   |
| 12         | African Institute for Children Studies (AICS)                      | Regional   |
| 13         | Elimu Bora   | National   |
| 14         | Voluntary Service Overseas   | National   |
| 15         | Centre for Innovative Community Child Development                  | National   |
| 16         | Kenya National Civil Society Centre (KNCSC)                        | National   |
| 17         | Indigenous Livelihood Enhancement Partners (ILEPA)                 | CBO  |
| 18         | Constitution and Reform Education Consortium (CRECO)               | National   |

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| 19 | Uasin Gishu County Civil Society Network                   | County   |
| 20 | Tulinde Future Yetu Initiative                             | County   |
| 21 | Centre for Resource Mobilization and Community Development | National |
| 22 | Path Youth Organization (PYO)                              | CBO      |
| 23 | The East African Tax and Governance Network (EATGN)        | Regional |
| 24 | Kounkuey Design Initiative                                 | National |
| 25 | Youth Alive! Kenya   | National |
| 26 | Children Agenda Forum (CAF)                                | National |
| 27 | Community engagement and dialogue forum                    | County   |
| 28 | TINADA YOUTH ACTION AFRICA                                 | National |
| 29 | Safe Horizons Organization                                 | CBO      |
| 30 | Spice Without Borders                                      | Regional |
| 31 | Women Challenged to Challenge                              | National |
| 32 | Kenya Youth Assembly Foundation                            | National |
| 33 | Lamu Women Alliance  | CBO      |
| 34 | Young Africans for Peace And Development                   | National |
| 35 | Jamii Action Centre (JAC)                                  | CBO      |
| 36 | Civicom Aid  | Regional |
| 37 | G for Girls Initiative                                     | CBO      |
| 38 | Disabled inclusion Node Association (DINA)                 | National |
| 39 | Our Lady of Charity of the Good Shepherd                   | Regional |
| 40 | Tana River Peace Reconciliation and Development            | County   |
| 41 | Ardha Jabesa Foundation                                    | National |
| 42 | Indigenous Resource Management Organization (IREMO)        | County   |

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| 43 | Generation Guiders CBO  | CBO      |
| 44 | Centre for Community Dialogue and Development -CCDD                     | Regional |
| 45 | Citizen Network For Rural Development Kenya                             | Regional |
| 46 | Tharaka Nithi CSOs Development Network                                  | County   |
| 47 | International Institute for Climate Change and Governance(IICCG)        | National |
| 48 | KINONDO ACTION PLAN   | County   |
| 49 | Kwale Focus Empowerment CBO   | CBO      |
| 50 | ENGAPE CBO  | CBO      |
| 51 | Mwalie Health Community Based Organisation                              | CBO      |
| 52 | ALLIANCE FOR PERSON WITH DISABILITIES                                   | CBO      |
| 53 | Bungoma youth bunge forum   | County   |
| 54 | Bungoma County Child Rights Network                                     | County   |
| 55 | Community development and Sustainability Organisation                   | Regional |
| 56 | Community Research in Environment and Development Initiatives (CREADIS) | Regional |
| 57 | Transfo green world   | National |
| 58 | Ndakaru Vision youths   | CBO      |
| 59 | Bungoma civil society forum CBO   | National |
| 60 | Green Culture Community Initiative (GCCIAFRICA )                        | CBO      |
| 61 | Bomet county non states actors  | County   |
| 62 | BIDII   | Regional |
| 63 | Empowered Citizenry against Poverty NGO                                 | National |
| 64 | Women leadership Agenda Association                                     | National |
| 65 | PSI - Foundation  | National |

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| 66 | Center for Innovative Community Child Development                     | CBO      |
| 67 | Isiolo Gender Watch   | CBO      |
| 68 | Dream Achievers Youth Organization                                    | National |
| 69 | Nyeri county civil societies organizations network                    | County   |
| 70 | Greatplan Foundation  | National |
| 71 | Monor transnzoia CBO  | CBO      |
| 72 | KOBAT YOUTH DEVELOPMENT PROGRAMME CBO                                 | County   |
| 73 | Baringo Indigenous peoples' Organization                              | County   |
| 74 | Youth Alive! Kenya  | National |
| 75 | Young Women at the Table  | CBO      |
| 76 | Tana River peace Reconciliation and development                       | County   |
| 77 | Rebuilding Pastoralist Livelihoods                                    | County   |
| 78 | Association of Media Women in Kenya                                   | National |
| 79 | Kwacha Afrika   | Regional |
| 80 | Jenga Future Initiative   | County   |
| 81 | Ana Antami  | National |
| 82 | Policy Action Initiative  | National |
| 83 | Association for the Physically Disabled of Kenya (ADPK)               | National |
| 84 | Kisumu Youth WASH Parliament  | CBO      |
| 85 | CBM Global Disability Inclusion                                       | National |
| 86 | Indigenous Peoples' for peace and climate Justice and climate Justice | CBO      |
| 87 | Art Affair for Development Goals                                      | CBO      |
| 88 | HelpAge Kenya   | National |
| 89 | Community Implementing Initiative Kenya                               | National |

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| 90  | Civil Society Urban Development Platform             | National |
| 91  | Youth for Sustainable Energy                         | National |
| 92  | Coalition on Violence Against Women(COVAW)           | National |
| 93  | Hami Imani Africa                                    | Regional |
| 94  | POLYCOM GIRLS  | National |
| 95  | Citizen Network For Rural Development Kenya          | Regional |
| 96  | Rural Women Network                                  | County   |
| 97  | AKILI DADA   | National |
| 98  | Better Lives   | CBO      |
| 99  | Coalition Action For Preventive Mental Health Kenya  | National |
| 100 | Diplomats For Health In Resilient Community (DFH-RC) | CBO      |
| 101 | THE YOUNG MENTORSHIP COMMUNITY PROGRAM CBO           | CBO      |
| 102 | Nakuru Drop-In Center                                | National |
| 103 | Good Health Community Programmes                     | County   |
| 104 | Friedrich Ebert Stiftung (FES) Kenya                 | National |
| 105 | Elimu Kwanza Initiative CBO                          | County   |
| 106 | MLAHRA(Mathare legal Aid Human rights Advocacy)      | CBO      |
| 107 | Kiambu Pamoja Trust                                  | County   |
| 108 | Friendly Innovative Development Solutions (FIDS)     | CBO      |
| 109 | Daughters of Kenya                                   | National |
| 110 | Institute of Public Finance Kenya                    | National |
| 111 | Health NGOs' Network (HENNET)                        | National |